New Slate of 15 Bills Introduced in 2024 Intended to Further Encourage Residential Development

Description

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As covered in prior PSH Client Alerts on June 26, 2023, August 22, 2023, and November 27, 2023, this past year included numerous major reforms to the Rhode Island zoning and land development statutes, all aimed at spurring further residential development and creation of additional housing units in Rhode Island. While the significance of these 2023 legislative amendments, which mostly became effective on January 1, 2024, cannot be understated, a collection of 15 new bills have recently been introduced in the House and are being championed by House Speaker Joseph Shekarchi to go even further than the 2023 legislation in promoting more rapid housing development in the state. We will be following these bills closely and their progress through this legislative session. Below is a brief summary of each new bill introduced as part of this 2024 housing package:

- 2024-H 7062 would allow for development of an Accessory Dwelling Unit ("ADU"): 1) to accommodate a family member with a disability; 2) within the existing footprint of a structure; or 3) on any lot larger than 20,000 square feet, provided that the design satisfies building code, size limits and infrastructure requirements. Additional restrictions would be imposed on how municipalities may regulate ADUs. **This legislation already passed the House on February 14, 2024**.
- 2024-H 7980 would allow for manufactured homes to be constructed by right as a type of single-family home on any lot zoned for single-family use.
- 2024-H 7979 would enable municipalities, notwithstanding any other law or language in their home rule charters to the contrary, to combine their zoning and planning boards into one "combined review board" through passage of an ordinance.
- 2024-H 7981 would expressly allow residential uses by right in all commercial zones. Additionally, residential uses would also be allowed in industrial zones except in areas where residential use is prohibited for public health or safety reasons.
- 2024-H 7983 would further clarify and empower the role of the State Building Code Commissioner, as well as providing the framework for the Commissioner and State Building Code Office to standardize the criteria and processes for certification and continuing education of municipal building officials.
- 2024-H 7978 would require all municipalities to adopt and implement fully "electronic permitting" for all types of development applications. The State Building Commissioner would promulgate rules and regulations to implement these changes.
- 2024-H 7977 is a House Resolution establishing an 11-member commission to undertake a comprehensive study and review of the ability of the Rhode Island educational system to offer degrees and certificate programs within the State to provide a better supply and pipeline of planners, planning technicians and planning staff, as well as providing recommendations on improving educational opportunities to promote these fields.
- 2024-H 7986 would require a municipal inventory of abandoned properties, with yearly updating, and clarifies the abatement process and procedures for sale through receivership.
- 2024-H 7949 would revise key provisions in multiple sections of the Development Review Act concerning the permitting process for various types of development projects, in some cases providing for administrative approval where planning board approval might have previously been required, and in other cases an even more streamlined review process than what was provided via the 2023 amendments to these statutes.
- 2024-H 7948 would amend the Inclusionary Zoning statute under the Zoning Enabling Act to reduce the

required minimum percentage of affordable housing units in an inclusionary zoning project from 25% to 15%, as well as allowing a project to even qualify with less than 15% affordable units after applying a density bonus. Additional amendments to this statute would further clarify and streamline the approval process.

- 2024-H 7982 would prohibit cities and towns from applying zoning requirements in existing ordinances to wetland buffers and onsite wastewater treatment system setbacks in any development, redevelopment, construction, or rehabilitation project.
- 2024-H 7950 provides for administrative review and approval of construction and improvement guarantees, as well as allowing developers in any municipality to choose between at least three (3) acceptable forms of financial security. Maintenance guarantees would be capped at 10% of the original guarantee amount.
- 2024-H 7951 would substantially limit the power of municipalities to restrict the number of building permits issued or impose moratoriums on development. Such limitations or moratoriums must also now be related to a legitimate governmental interest taking into account the need for additional housing units in the community.
- 2024-H 7984 would allow qualifying mobile homes to count as affordable housing units, if they meet certain requirements, including that they are permanent housing.
- 2024-H 7985 would expand the state's geographical information system (GIS) to include information from all municipalities and require municipal cooperation in providing all available information, including, but not limited to, property information, existing land uses, zoning districts, flood zones, estimated wetlands locations, areas serviced by water and sewer, and dedicated open space areas. The state GIS system would be overseen by the Division of Statewide Planning.

For more information on this proposed legislation and its potential impacts on land use and zoning law in Rhode Island, please connect with PSH land use attorney, Michael L. Mineau. For additional information and resources, visit the firm's Development, Land Use & Zoning page.

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